

for a two-month extension of time. If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the instant response, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MONS:018US/REH.

II. RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement which the Examiner imposed, Applicants elect, with traverse, to prosecute Group I claims, claims 1-35, 38, 40, 42 and 63-68.

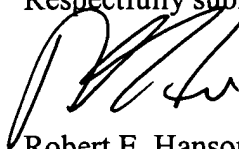
Claim Groups I-VI are not properly restricted pursuant to 35 U.S.C. §121, nor are Groups XIII-XVIII. Each of the claims of Groups I-VI and XII-XVII comprise the *same claims* of the application. The claim groups, individually, are classified in the same class, namely class 800, subclass 298 for Groups I-VI and class 800 subclass 278 for Groups XII-XVII. It thus cannot reasonably be alleged that the claim groupings cannot be used together and have different modes of operation – they are from the same claims. Despite this, no basis is given in the Restriction Requirement for the restriction other than the allegation, without support, that the claims are unrelated. The restriction is thus not proper. Where the claims of an application define the same essential characteristics of a single disclosed embodiment, restriction therebetween should never be required. M.P.E.P. § 806.03. Applicants therefore request that the restrictions with respect to Groups I-VI and Groups XIII-XVII, individually, be withdrawn.

Applicants further traverse with respect to the requirement that a single nucleic acid sequence be selected from Group XII, and the indication that the members of these sequences are not species of a structurally and functionally related genus. The nucleic acids in Group XII

concern sequences coding for polypeptides having steroid pathway enzyme activity. They are, therefore, functionally related and not properly restricted.

The Examiner is invited to contact the undersigned attorney at (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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